

**IN THE  
UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

## RICHMOND DIVISION

COMMONWEALTH OF VIRGINIA, )  
EX REL. KENNETH T. CUCCINELLI, II, )  
in his official capacity as )  
Attorney General of Virginia, )  
Plaintiff, )  
v. ) Civil Action No. 3:10cv188  
KATHLEEN SEBELIUS, )  
Secretary of the Department )  
of Health and Human Services, )  
in her official capacity, )  
Defendant. )

**PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT**

Consistent with the Consent Order of August 10, 2010, and pursuant to Rule 56, F.R. Civ. P., Plaintiff hereby moves for Summary Judgment on the grounds and for the reasons stated in its accompanying Plaintiff's Memorandum in Support of Motion for Summary Judgment.

Respectfully submitted,

KENNETH T. CUCCINELLI, II  
Attorney General of Virginia

CHARLES E. JAMES, JR.  
Chief Deputy Attorney General

E. DUNCAN GETCHELL, JR.  
Solicitor General

WESLEY G. RUSSELL, JR.  
Deputy Attorney General

STEPHEN R. McCULLOUGH  
Senior Appellate Counsel

/s/ E. Duncan Getchell, Jr.  
E. Duncan Getchell, Jr., VSB #14156  
Solicitor General  
Attorney for the Commonwealth of Virginia  
OFFICE OF THE ATTORNEY GENERAL  
900 East Main Street  
Richmond, Virginia 23219  
(804) 786-2436 (Telephone)  
(804) 786-1991 (Fax)  
[dgetchell@oag.state.va.us](mailto:dgetchell@oag.state.va.us)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of September, 2010, I electronically filed the Plaintiff's Motion for Summary Judgment with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following: Ian Gershengorn, [ian.gershengorn@usdoj.gov](mailto:ian.gershengorn@usdoj.gov), Joel McElvain, [joel.mcelvain@usdoj.gov](mailto:joel.mcelvain@usdoj.gov), Jonathan Holland Hambrick, [jay.h.hambrick@usdoj.gov](mailto:jay.h.hambrick@usdoj.gov), Sheila M. Lieber, [sieber@civ-usdoj.gov](mailto:sieber@civ-usdoj.gov), and all counsel for Amici. A copy also has been served by first class, postage prepaid, U.S. Mail to Ray Elbert Parker, *Pro Se*, P. O. Box 320636, Alexandria, VA 22320.

*/s/ E. Duncan Getchell, Jr.* \_\_\_\_\_

E. Duncan Getchell, Jr., VSB #14156  
Attorney for Commonwealth of Virginia  
OFFICE OF THE ATTORNEY GENERAL  
900 East Main Street  
Richmond, Virginia 23219  
(804) 786-2436 (Telephone)  
(804) 786-1991 (Fax)  
dgetchell@oag.state.va.us